

**RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA  
RULE 262,**

(Amended by the Board of Governors August 24, 2002)  
(Effective September 1, 2002)

[added language shown in **bold**; deleted language shown in ~~strikeout~~]

**RULE 262. GROUNDS FOR DISMISSAL.**

*[Subsections (a) through (d) remain unchanged.]*

(e) Furtherance of Justice.

- (1) The party initiating a proceeding may move to dismiss in the furtherance of justice. A dismissal under this paragraph shall be without prejudice unless the motion seeking dismissal shows good cause why the proceeding should be dismissed with prejudice.
- (2) **The Court, on its own motion, after the parties have been afforded notice and an opportunity to object as set forth in paragraph (3) below, may dismiss an entire proceeding, but not part of a proceeding, with or without prejudice in the furtherance of justice. The reasons for the dismissal and the determination of whether the dismissal is with or without prejudice shall be set forth in a written order with findings of fact and conclusions of law.**
- (3) **Prior to dismissing a proceeding on its own motion pursuant to paragraph (2) above, the Court shall issue an order to show cause notifying the parties of the Court's intent to dismiss the proceeding in the interests of justice and the proposed reasons for its dismissal. Within ten (10) days of service of the Court's order to show cause, the parties may file a response to the Court's order, which may include declarations, an offer of proof and points and authorities either in support of or in opposition to the Court's intended action. The State Bar may include, in its response, information concerning prior investigation matters which were closed with warning letters, resource letters, agreements in lieu of disciplinary prosecution, other agreements resolving investigations, and impositions of discipline including private reprovls and/or any other evidence of prior conduct tending to establish a common plan, scheme or device.**